

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
John I. Shipp et al.)
Serial No.: (Cont. of 10/082,927)) (Group Art Unit: 3732)
Filed: November 25, 2003) (Examiner: C. O'Connor)
For: LIGATION CLIP AND CLIP APPLIER)

MS PATENT APPLICATION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), applicant brings to the attention of the Examiner the documents listed on the attached PTO 1449. This Information Disclosure Statement is being filed concurrently with the above-referenced application.

Copies of the following listed documents are attached:

1. U.S. Patent No. 4,854,317, issued August 8, 1989 to Braun;
2. U.S. Patent No. 5,897,565, issued April 27, 1999 to Foster.

Copies of the remaining listed documents were previously submitted in a prior application, Serial No. 10/082,927, filed November 25, 2003, now U.S. Patent No. 6,652,539; and or Serial No. 09/258,943, filed March 1, 1999, now U.S. Patent No. 6,350,269, upon which applicant relies for the benefits provided in 35 U.S.C. § 120.

Applicant respectfully requests that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and applicant determines

that the cited documents do not constitute "prior art" under United States law, applicant reserves the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 50-1068.

Respectfully submitted,

MARTIN & FERRARO, LLP

Date: November 25, 2003

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Substitut f r FORM PTO-1449			Attorney Dock t Number 115.0003-03000		Customer No. 22882	
INFORMATION DISCLOSURE CITATION IN AN APPLICATION			Applicant John I. Shipp et al.		Application Numb r (Cont. 10/082,927)	
(Use several sheets if necessary) Sheet <u>1</u> of <u>6</u>			Filing Date November 25, 2003		Group Art Unit (3732) Examin r (C. O'Connor)	
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	WO 95/05778	03/1995	WIPO			N/A
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)						
EXAMINER		DATE CONSIDERED				
EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.						